

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) Case No.: 10-CR-00730-LHK
)
Plaintiff,)
v.) PRETRIAL CONFERENCE ORDER
)
MICHAEL SWANSON,)
)
Defendant.)
_____)

Plaintiff's Counsel: Amber Rosen and Jeff Schenk
Defendant's Counsel: Graham Archer

A pretrial conference was held on July 31, 2013. A further pretrial conference will take place on Monday, August 12, 2013, at 8:45 a.m.

Discovery

WITNESS INTERVIEW SUMMARIES: By August 7, 2013, the Defendant shall produce summaries of his witness interviews.

Evidentiary Ruling

Plaintiff's objection to testimony about the snake incident involving Helga Pate is OVERRULED.

Pre-Trial Filings

EXHIBIT LISTS: By August 2, 2013, the Defendant shall file his exhibit list. By August 9, 2013, the parties shall file their revised exhibit lists.

WITNESS LISTS: The parties shall file revised witness lists on August 9, 2013.

VERDICT FORM: By August 2, 2013, the Defendant shall file his proposed additional verdict form question with supporting argument. By August 9, 2013, the Government shall file its response. The Defendant otherwise has no objections to the Government's proposed Verdict Form. The Court will rule on Defendant's proposal by August 16, 2013. By August 19, 2013, the Government shall email the final Verdict Form to lhkcrd@cand.uscourts.gov.

JURY INSTRUCTIONS: By August 2, 2013, the parties shall file joint amended and supplemental jury instructions regarding Ninth Circuit Model Criminal Jury Instructions 4.13 and 4.9. By August 2, 2013, the Defendant shall file his proposed amount of loss jury instruction as well as his objection to the Government's aiding and abetting jury instructions. By August 9, 2013, the Government shall file its response as to Defendant's proposal and objection. The Court will rule

on Defendant's proposal and objection by August 16, 2013. By August 19, 2013, the Government shall file the final jury instructions and email them to lhkcrd@cand.uscourts.gov.

VOIR DIRE: By August 2, 2013, the Defendant shall file his proposed voir dire questions. Each side will have ten minutes for attorney voir dire.

FORFEITURE ALLEGATIONS: By August 2, 2013, the Defendant shall file his explanation as to whether forfeiture in this case is a jury question. By August 9, 2013, the parties shall file a joint proposal as to the procedure and timing of the determinations of the nexus and amount issues.

STIPULATIONS: By August 7, 2013, the parties shall file all stipulations.

Trial

TRIAL SCHEDULE: The Government anticipates that its case in chief, including Defendant's cross-examinations, may take about 9 days. Defendant anticipates that his case in chief may take about 3-5 days. Accordingly, trial will take place on the following days: August 12, August 13, August 16, August 19, August 20, August 23, August 26, August 27, August 30, September 3, September 9, September 10, September 13, and September 16, 2013 and every day thereafter until the jury completes its deliberation. Trial will begin at 9 a.m. and end at 4:30 p.m. daily. The daily lunch break will be from noon to 1 p.m. An approximately 15 minute break will be taken at 10:30 a.m. An approximately 10 minute break will be taken at 2:15 p.m. and 3:30 p.m.

JURY SELECTION: The Court will empanel 12 jurors and 3 alternates.

INTERPRETER: The Court shall provide a Korean language interpreter for Ms. Hee Robinson, a character witness for the Defendant.

IT IS SO ORDERED.

Dated: July 31, 2013



LUCY H. KOH
United States District Judge